

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Gregory S. Herman et al.	§	Confirmation No.:	5837
		§		
Serial No.:	10/629,066	§	Group Art Unit:	1745
		§		
Filed:	07/28/2003	§	Examiner:	T. H. Parsons
		§		
For:	Method And System For	§	Docket No.:	200209441-1
	Collection Of Hydrogen	§		
	From Anode Effluents	§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: December 21, 2007

Sir:

In response to the Examiner's Answer dated October 30, 2007, Appellants submit this Reply Brief for further consideration by the Board.

Independent claim 36 requires "a means for heating said fuel cell stack and for speeding up fuel cell startup." The Examiner rejected claim 36 as obvious over the combination of Edlund and Keating. The Examiner admitted that Edlund lacks the limitation quoted above, that is, "a means for heating said fuel cell stack and for speeding up fuel cell startup."

Edlund has no such means because, because as one of ordinary skill would understand, the type of fuel cell in Edlund (proton exchange membrane and alkaline fuel cells) need not be substantially heated to operate. Keating is directed to a very different type of fuel cell that is heated in order to operate. Consequently, Keating discloses a start-up heater for this purpose. The Examiner stated it would have been obvious to incorporate Keating's start-up heater into Edlund's fuel cell system. However, since Edlund's type of fuel cells need not be heated, one of ordinary skill in the art would not have been motivated to modify Edlund in this manner. The modification would provide Edlund with

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something that Edlund does not need and from which no benefit would be derived.

The Board is encouraged to also consider all other arguments made in Appellants' main Brief. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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